Writ Petition no.590 (S/S) of 2003

Hem Singh--- Petitioner

Versus

Joint Director of Education and others Respondents

Hon'ble M.M.Ghildiyal J.

Heard Ms. Seema Sirohi learned counsel for the petitioner and learned Standing Counsel.

The petitioner by order dated 7.7.2002 was transferred from Government Higher Secondary School Ranikhet district Bageshwar to Government Higher Secondary School Kathpuriya district Almora. Again after two months he was transferred from Government Higher Secondary School Kathpuriya district Almora to Government Higher Secondary School Beria Daulat district Udham Singh Nagar vide order dated 30.9.2002. Again by order dated 30.6.2003 he has been transferred from Government Higher Secondary School Beria Daulat district Udham Singh Nagar to Government Higher Secondary School Tamali district Champawat. Thus the petitioner has been transferred thrice in a year. The learned counsel for the petitioner has submitted that the transfer has been made on the ground of inconsistent subject. One Sri Subhash Chaudhary who is also a science/mathematics teacher in Udham Singh Nagar is staying for the last 18 years whereas the petitioner who was transferred to Udham Singh Nagar only two months back has again been transferred to district Champawat. In case two persons are working against one vacancy of science/mathematics it was proper for the department to transfer the person who is staying since long.

In view of the above I direct the respondents not to relieve the petitioner Government Higher Secondary School Beria Daulat district Udham Singh Nagar in pursuance to the order dated 30.6.2003 and in case he has been relieved he may be sent back in the said institute.

With these observations the writ petition is finally disposed of.

(M.M.Ghildiyal.J.)

July 28, 2003

MPS